

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
MERCK-1972-D02

In re Application of: VERRALL et al.

Application No. 10/790,690

Filed: March 3, 2004

For: OPTICAL RETARDATION FILM

The owner\*, MERCK Patent GmbH of 100 percent interest by virtue of an assignment document recorded on January 20, 1998 (Reel 8952/Frame 0871), in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory terms defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,316,066. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney of record.

Signature

February 8,  
2006

Date

02/09/2006 SZWDIE1 00000033 10790690

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Harry B. Shubin, Reg. No. 32, 004

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